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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DOMINIQUE ZAFIR CASEY,

12 Plaintiff,

13 v.

14 HADDAD, et al.,

15 Defendants.
16
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No. 1:21-cv-00855-DAD-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
MOTION TO PROCEED *IN FORMA*
PAUPERIS

(Doc. Nos. 2, 11)

18 Plaintiff Dominique Zafir Casey is a state prisoner proceeding *pro se* in this civil rights
19 action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On June 17, 2021, the assigned magistrate judge issued findings and recommendations,
22 recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) be denied
23 because it was determined that plaintiff had sufficient funds in his trust account to pay the filing
24 fee in full. (Doc. No. 11.) The magistrate judge provided plaintiff fourteen (14) days to file
25 objections to the findings and recommendations. (*Id.* at 2.) Plaintiff did not filed any objections;

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1 however, on June 21, 2021, plaintiff filed a notice in which he states that he made a mistake and
2 requested that the court take the \$402 filing fee from his account.¹ (Doc. No. 13.)

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's notice,
5 the court finds the findings and recommendations to be supported by the record and proper
6 analysis.

7 The court concludes that plaintiff has sufficient funds to pay the filing fee for this action
8 based on the available balance reflected in his inmate trust account statement (Doc. No. 6) and,
9 therefore, *in forma pauperis* status is not warranted. *See* 28 U.S.C. § 1915(a)(1). To the extent
10 plaintiff's June 21, 2021 notice is a request that the court withdraw the filing fee payment from
11 his account, plaintiff is instead required to arrange for the payment of the filing fee with the
12 prison's trust account office.

13 Accordingly,

- 14 1. The findings and recommendations issued on June 17, 2021 (Doc. No. 11) are adopted
15 in full;
- 16 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is denied;
- 17 3. Within thirty (30) days from the date of service of this order, plaintiff is required to
18 pay the \$402.00 filing fee for this action in full;
- 19 4. Plaintiff's failure to pay the required filing fee as ordered will result in the dismissal of
20 this action without prejudice; and
- 21 5. This case is referred back to the assigned magistrate judge for further proceedings.

22 IT IS SO ORDERED.

23 Dated: July 13, 2021

24 
UNITED STATES DISTRICT JUDGE

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28 ¹ This notice was erroneously docketed as objections to the pending findings and
recommendations.